



March 23, 2018
Honorable Mike McGuire
Chair, Senate Governance and Finance Committee
California State Capitol, Room 408
Sacramento, CA 95814
Fax: 916-322-0298

Sent via Fax & Email

Re: Support for SB 946 (Lara) Sidewalk Vendors
Position: Support

Dear Honorable Chair McGuire and committee members:

On behalf of **Legal Services for Prisoners with Children (LSPC)**, we write to express our strong support for SB 946 (Lara). This legislation protects workers and immigrant communities and enhances the economic opportunities available to them in California. It also allows them to continue to be self-reliant and showcase the rich and diverse resources they bring to the larger communities they serve.

LSPC was founded in 1978 and has a longstanding history of advocating for the civil and human rights of people in prison, their loved ones and the broader community. We support a vision of public safety that moves beyond the "lock and key" mentality of the past. We believe that the "tough on crime" policies over the last three decades have not made any of us safer. In order to build truly safe and healthy communities, we must first ensure that all people have access to adequate housing, quality health care, educational opportunities, healthy food choices, meaningful work and the ability to fully participate in the democratic process, regardless of their history or prior involvement with the criminal justice system.

Today, tens of thousands of people in California support themselves and their families through their work as sidewalk vendors. These individuals work hard, selling delicious food and offering sought-after merchandise on public sidewalks and in public parks. For many Californians, including many immigrant families excluded from other opportunities in the formal economy, sidewalk vending offers a chance to start and grow a business and to be self-sufficient. Studies have demonstrated that sidewalk vending generates millions in local and state tax revenue as vendors buy supplies from local businesses and circulate money in communities that are often ignored by mainstream capital. In many food desert communities, fruit and vegetable vendors are the only source of healthy food retail available. Vendors activate commercial corridors, increase pedestrian foot traffic and provide eyes on the street to make neighborhoods safer and more dynamic.

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Despite the measureable value sidewalk vendors provide to communities, they are unfairly targeted for criminal treatment in many cities and counties across California. Those jurisdictions impose outright prohibitions on sidewalk vending or create onerous restrictions that severely limit vending and instead force workers into the informal economy. The result of this treatment is to force many sidewalk vendors into an unnecessary "catch-22" position. If these vendors cannot get permits, they must risk vending without a permit to feed themselves and their families and possibly face criminal prosecution for a misdemeanor. This system creates an illogical outcome in which hardworking and self-reliant workers and entrepreneurs are treated as criminals.

The criminalization of sidewalk vending has significant and devastating consequences, especially in immigrant communities. Vendors charged with a misdemeanor can face penalties of six months in jail and \$1,000 in fines, as well as the potential seizure of personal property. One misdemeanor charge can have devastating effects on entire families that rely on the vendor's income to pay rent and put food on the table. These entrepreneurs are also discouraged from investing in their own business as the confiscation of their property and court fines often wipe out any capital they may accumulate.

Some immigrant vendors face the risk of being transferred to, or picked up by federal immigration officials after being released from custody. Moreover, some vendors may be at heightened risk for deportation even if they are not ultimately charged or convicted. These risks are not merely hypothetical. Right now, a vendor and mother of five in Southern California sits in a detention center, separated from her family and facing the possibility of deportation. This situation stems directly from a simple sidewalk vending citation.¹ It is clear that federal immigration enforcement practices are currently threatening to tear immigrant families apart, and local policies that prohibit and criminalize sidewalk vending are enabling and exacerbating these risks. We can do better and we must act immediately to change this situation.

SB 946 is a timely and necessary response to this injustice. SB 946 decriminalizes sidewalk vending, while allowing local jurisdictions to continue to enforce vending rules through non-criminal administrative fines and procedures. SB 946 also encourages local jurisdictions to adopt local sidewalk vending permitting regulations that will protect public safety while promoting entrepreneurship and economic mobility. SB 946 will help protect California's low-income immigrants and workers, promote safe and regulated vending, and create new opportunity for entrepreneurship and economic mobility throughout the state by encouraging local jurisdictions to support and properly regulate sidewalk vending.

Thank you for your consideration of these comments. We urge you to show your support and vote yes on SB 946. Thank you to Senator Ruiz for your leadership on this important issue.

Sincerely,



Dorsey Nunn
Executive Director, LSPC



Sabina Crocette
Policy Manager, LSPC

¹ Liset Marquez, "Street vendor facing deportation after Rancho Cucamonga arrest," Daily Bulletin, October 23, 2017.
<https://www.dailybulletin.com/2017/10/23/street-vendor-facing-deportation-after-rancho-cucamonga-arrest/>

CC:

Senator Janet Nguyen, Vice Chair

Senator Jim Beall

Senator Ed Hernandez

Senator Robert M. Hertzberg

Senator Ricardo Lara

Senator John M. W. Moorlach